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REMARKS

In the Office Action dated 24 March 2006, the Office alleged that Applicant's Response of 3 January 2006 (received in the Office on 6 January 2006) is not fully responsive to the Office Action of 4 October 2005 because "the applicant has not **distinctly pointed out how the claims render the new claims patentable over the applied references**" (emphasis in original).¹ The Office continues, indicating "[t]he reply must present arguments pointing out the specific distinctions believed to render the claims, including any presented claims, patentable over any applied points out the supposed errors in the references" (emphasis in original).²

The Office Action of 4 October 2005 rejects claims 1-4 under 35 USC § 103(a), as being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view of U.S. Patent 5,248,119 to Imura ("Imura"). Applicant's Response dated 3 January 2006, in reply to the Office Action of 4 October 2005, adds new claims 5-20.

In Applicant's Response dated 3 January 2006, Applicant discusses the reasons why the 35 USC § 103(a) rejection of claims 1-4 are improper and why the rejection should be reconsidered and withdrawn. In particular, Applicant's Response discusses why (1) neither AAPA nor Imura discloses or suggests the invention set forth in claims 1-4³ and (2) why AAPA and Imura are not properly combinable.⁴ Moreover, Applicant asserts that "[n]ew claims 5-20 are allowable over AAPA in view of Imura for at least the same reasons set forth above concerning claims 1-4."⁵

¹ Office Action dated 24 March 2006, p. 2, ll. 3-9.

² Office Action dated 24 March 2006, p. 2, ll. 15-18.

³ Applicant's Response dated 3 January 2006, pp. 9-12.

⁴ Applicant's Response dated 3 January 2006, pp. 13-14.

⁵ Applicant's Response dated 3 January 2006, p. 16.

Thus, the Office's contention that Applicant has not has not "distinctly pointed out how the claims render the new claims patentable over the applied references" is without merit as being contrary to fact.

It should be noted that Applicant's representative, Daren C. Davis, spoke with Examiner Kimberly Wood on 19 April 2006 by telephone to discuss the Office Action of 24 March 2006, Applicant's Amendment of 3 January 2006, and the 24 March 2006 Office Action. It was pointed out to Examiner Wood that Applicant's Amendment in response to the 4 October 2005 Office Action included the statement that the new claims (*i.e.*, claims 5-20) are allowable over the cited references for at least the reasons set forth concerning previously pending claims 1-4. While Examiner Wood has no recollection of the telephone discussion, Examiner Wood agreed that the statement indeed complies with the requirement to distinctly point out how the new claims (*i.e.*, claims 5-20) are allowable over the cited references. Examiner Wood further indicated that the 24 March 2006 Office Action would be withdrawn and a new Office Action would be prepared and issued. Moreover, Examiner Wood indicated that no further response was required by Applicant and no Interview Summary was needed.

Considering these Remarks and Applicant's Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b), which is being submitted concurrently with this paper, Applicant respectfully requests (1) entry of Applicant's Amendment of 3 January 2006, (2) withdrawal of the Office's contention that Applicant's Response of 3 January 2006 is insufficient, and (3) reconsideration of the Application on the merits in light of Applicant's Amendment and Remarks of 3 January 2006.

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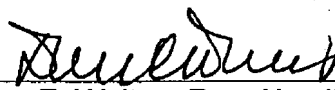
CONCLUSION

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and issuance of a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned at (817) 578-8616 with any questions, comments, or suggestions relating to the referenced patent application.

Respectfully submitted,

4 JUNE 2007

Date


James E. Walton, Reg. No. 47,245
Michael Alford, Reg. No. 48,707
Daren C. Davis, Reg. No. 38,425
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (voice)
(817) 447-9954 (facsimile)
jim@waltonpllc.com (e-mail)**CUSTOMER NO. 38441**

ATTORNEYS AND AGENT FOR APPLICANT